

## REMARKS

### I. Introduction

In response to the pending rejection, Applicants have amended claims 1, 2 and 13 so as to clearly distinguish the present invention over the cited prior art reference. No new matter has been added.

Applicants and Applicants' attorney would like to thank Examiner Knapp and Mr. Ellis for their time and courtesy during the interview conducted on August 6, 2003. As set forth in the Interview Summary record issued by Examiner Knapp, it was agreed that the proposed amendments would distinguish over the cited portions of Hoge. However, Examiner Knapp reserved making any final determination pending a further review of Hoge and an updated search.

### II. The Rejection Of The Claims In View Of Hoge

Claims 1-4, 9, 10 and 13 were rejected under 35 U.S.C. § 102 as being anticipated by USP No. 5,930,158 to Hoge. Applicants respectfully submit that the pending claims distinguish over Hoge for at least the following reasons.

As recited by each of the pending independent claims, the present invention recites that the condition field **contains**, in binary code, an execution condition. In accordance with the present invention, the system judges whether the execution condition is satisfied or not by applying control flags to **the execution condition contained in the condition field itself**, wherein the control flags correspond to the results of operations performed in response to one or more instructions preceding the execution control instruction.

In contrast, in Hoge, the Y operand is the address of the General Purpose Register memory (see, e.g., col. 4, lines 25-27 of Hoge). Importantly, the execution condition in Hoge (cc\_test) **is not contained** in the condition field in the execution control instruction. In Hoge, the execution condition is contained in the General Purpose Register addressed by the Y operand address.

The foregoing distinction between Hoge and the present invention results in significant advantages over Hoge. For example, as a result of the present invention, it is possible to control the conditional execution of a substantial number of succeeding instructions **using an execution control instruction having a short word length** to suppress the branch hazard in an information processor capable of processing instructions in a parallel manner (see, e.g. page 3, lines 2-6 of the specification). In contrast, if an address of the General Purpose Register memory is utilized to specify the execution condition as taught by Hoge, the instruction word length necessarily becomes longer, because it is necessary to allocate a bit length long enough to address the General Purpose Register memory. **Thus, it is clear that Hoge does not disclose an execution condition contained in the condition field in the execution control instruction.**

Accordingly, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, Kalman v. Kimberly-Clark Corp., 713 F.2d 760 (Fed. Cir. 1983), for the foregoing reasons, it is clear that Hoge does not anticipate amended claims 1, 2 or 13, or any claim dependent thereon.

**III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987).

Accordingly, as all independent claims are patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

**IV. Request For Notice Of Allowance**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT, WILL & EMERY

Date: 8/11/03

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